

REMARKS

The Office action rejected claims 1, 4, 5, 7-9, 11-13, 15, 27, 28, 31, 35, 36, 39-46, 48, 49 and 51-53 under 35 U.S.C. §103(a) as being unpatentable over Geist, Jr. (U.S. Patent No. 5,491,808) in view of “Developing for Windows Operating Systems (Using Driver Verifier to Expose Errors, pages 1-8””, hereinafter (“the reference”). Applicant submits that the rejections are traversed as explained in the following remarks, and that the application is otherwise in good form for allowance. Reconsideration is respectfully requested.

More particularly, applicant submits that the reference originated from the assignee of the present invention, and generally describes at least one embodiment of the claimed invention. The reference bears a draft version date of March 17, 1999, although the publication date, if any, is unclear.

Regardless of any actual publication that was subsequent to the March 17, 1999 draft date of the reference, the claimed invention was invented by the Applicant in this country prior to the March 17, 1999 draft version date. Attached hereto as Exhibit “1” is a Declaration signed by the inventor, Landy Wang, establishing that the claimed invention was invented in this country by the inventor prior to the March 17, 1999 draft version date, and thus prior to any publication thereafter. Moreover, the Declaration establishes that the reference does not describe an invention of another inventor or inventors, but rather includes content that was based upon the inventor’s invention and work, and was in fact prepared with the assistance of the inventor.

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Applicant submits that the Declaration is sufficient to establish a prior invention date / disqualify the reference as prior art, and thereby overcomes the claim rejections based thereon. Applicant respectfully requests withdrawal of these rejections.

### **CONCLUSION**

In view of the foregoing remarks, it is respectfully submitted that claims 1, 4, 5, 7-9, 11-13, 15, 27, 28, 31, 35, 36, 39-46, 48, 49 and 51-53 are patentable over the prior art of record, and that the application is otherwise in good and proper condition for allowance. Entry of the foregoing Response and Declaration, and withdrawal of the pending rejections are respectfully solicited.

If the Examiner feels a telephone conference would expedite the prosecution of this application, the Examiner is invited to call the undersigned attorney at (425) 836-3030.

Respectfully submitted,



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CERTIFICATE OF MAILING

I hereby certify that this Amendment, Petition for Extension of Time and attached Exhibit 1 (Declaration of Inventor) are being deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, Alexandria, VA 22313

Date: December 22, 2005

  
Albert S. Michalik

# Exhibit 1

Declaration of Inventor